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(590.117)

4-7, 10-13, 16, 17, and 19, drawn to a server, server control method, program and computer-readable storage medium used in an information display system for making a computer display objects (Group II), and Claim 20, drawn to a graphical user interface system for making a computer display objects (Group III), are each directed to distinct inventions. The Examiner has required Applicants to elect one group of claims for prosecution. It is respectfully noted that the Claim delineated as Group III by the Examiner has already been included in Group I. Thus, applicant will assume that the delineation of a third group by the Examiner has been made in error, and, in fact, Groups I and III are not distinct or of a separate status in the art.

The asserted basis for the restriction requirement is "These inventions are distinct and have acquired a separate status in the art as shown by their different classification... Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II or III and the search required for Group II is not required for Groups I or III and the search required for Group II is not required for Groups I or II, restriction for examination purposes as indicated is proper." However, as has been shown above, Groups I and III are not separate or distinct. Thus, the assertion may be taken to state that the search required for Group I is not required for Group II. Applicants respectfully traverse the restriction requirement since the inventions are related, and, as will be shown below, necessarily must be searched together.

Group I has been classified in various subclasses of class 345. Group II has been classified in various subclasses of class 709 and 715. Class 345 pertains to Computer

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Graphics Processing and Visual Display Systems. Class 709 pertains to Electrical Computers and Digital Processing System. Class 715 deals with Data Processing.

Applicants assert that the claims of Groups I and II should be examined at the same time under MPEP § 803 ("If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions"). The Office asserts that as the inventions of Groups I and II "have acquired separate status in the art as shown by their different classification, restriction for examination purposes is proper." Different classifications, however, do not mean both classes would not be searched. See MPEP § 904.02(a) ("In outlining a field of search, the examiner should note every class and subclass under the U.S. Patent Classification system and other organized systems of literature that may have material pertinent to the subject matter as claimed. Every subclass, digest, and cross-reference art collection pertinent to each type of invention claimed should be included, from the largest combination through the various subcombinations to the most elementary part. The field of search should extend to all probable areas relevant to the claimed subject matter and should cover the disclosed features which might reasonably be expected to be claimed.") The claims of Group II are directed towards components or programs used in an information display system for making a computer display objects. By MPEP 904.02(a), Class 345 must also be searched as pertinent to the subject matter of claims of Group II by its definition. Further, in this regard, the Office's attention is directed to U.S. Patent No. 6,483,515 which issued on November 19, 2002. This recently issued U.S. Patent was searched in

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multiple classes and is classified in multiple classes; in fact, the multiple classes for searching and classification include the various subclasses identified in the outstanding Restriction Requirement. In view of this past Office practice and the assertions of the MPEP, there can be no credible assertion there would be a serious burden in searching and examining the claims of Groups I and II in the same application. Thus, it is respectfully submitted that the basis of assertion for the Restriction Requirement is invalid.

Accordingly, Applicants respectfully request the restriction requirement be withdrawn and all claims be examined at this time. In the event that the restriction requirement is not withdrawn, Applicants provisionally elect the claims of Group I (e.g., Claims 1-3, 8, 9, 14, 15, 18, and 20).

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